

REMARKS

Claims 2-5 and 7, and 9-25 are pending in the application. Claims 9, 16, and 17 are independent claims.

Claims 2-5, 7 and 9-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection proffers that the language "extending away from the surface . . ." is confusing. That language has been removed from claims 9, 16, and 17.

The rejection further proffers that the claims are confusing by what structure is intended by . . . "outer edges . . .". The term "outer" has been removed from the claims. It is submitted that "a surface defined by opposite first and second edges" is sufficiently definite for purposes of 35 U.S.C. 112, second paragraph. Support for the phrase is found in the specification and drawings and particularly at Figs. 1A-1D and 1G. No new matter is added by virtue of the amendment.

The rejection also proffers that the position of the detection element is confusing. It is submitted that claim 9 recites the position of the detection element in a consistent and clear manner. First, it recites that a second end of the cover faces a first end of the detection element. Second, it recites that the detection element is downstream of the opposite first and second edges of the cover. As such, it is submitted that each of the recited locations of the detection element within the device are consistent and clear.

In light of the above, the claim 9 is believed to be sufficiently definite in accordance with 35 U.S.C. 112, second paragraph. Claims 2-5, 7 and 10-14 depend from independent claim 9. Reconsideration of the rejection, leading to its withdrawal and allowance of the claims is respectfully requested.

Claims 2-5, 7, and 9-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6, 592,815. A terminal disclaimer is submitted herewith.

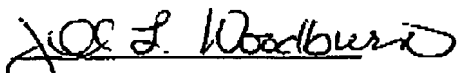
Claims 26-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,843,691 to Douglas et al. or U.S. Pat. No. 5,814,522 to Zimmer et al. Claims

26-34 are cancelled without prejudice or disclaimer of the subject matter recited therein.

This application is deemed to be in condition for allowance and as such is respectfully requested. In addition, if necessary, it is requested that this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and fees be charged to Deposit Account No. 50-0877 (with reference to WP 18622 US).

Respectfully submitted,

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